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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,487

09/21/2004

Khamir Girish Joshi

04-11

5486

32583 7590 02/04/2009
KELLOGG BROWN & ROOT LLC
ATTN: Christian Heausler
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HOUSTON, TX 77020

EXAMINER

SINGH, SUNIL

ART UNIT

PAPER NUMBER

3672

MAIL DATE

DELIVERY MODE

02/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/711,487	JOSHI ET AL.	
	Examiner	Art Unit	
	Sunil Singh	3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58-62, 64 and 65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 58-62, 64-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The examiner has withdrawn the previously allowed claims 58-62,64-65, upon consideration of the Brown reference below.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 60 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 60 calls for “a continuous coating of buoyant material”; however claim 60 depends from claim 58 which requires the “buoyancy members” to be discreet. Claim 60 is directed to an embodiment distinct from the embodiment called for in claim 58 and thus such dependency renders the claim indefinite.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 58-59, 61-62,64-65 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown (US 3524325).

Brown discloses an apparatus to traverse a seabed topographic feature, comprising: a subsea pipeline constructed to carry fluids from a first location across the topographic

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feature to a second location; wherein: the topographic feature is selected from the group consisting of subsea basins, domes, valleys, cliffs, canyons, escarpments and combinations thereof; said pipeline comprising at least one distributed buoyancy region (32,38); said pipeline comprising a first unbuoyed pipeline section (27, Fig. 2) extending from said first location on a sea floor to said distributed buoyancy region and a second unbuoyed pipeline section (this is considered pipe member between member 20 and 46 depicted in Fig. 3) extending from said distributed buoyancy region to said second location on a sea floor; and said distributed buoyancy region comprising two or more spatially arranged discrete buoyancy solutions (38) directly attached to said distributed buoyancy region to create a positively buoyant inverse catenary section connecting said first and said second pipeline sections in fluid communication; and a first flexure control (33,34,35) device at said first location to reduce bending stress and strain in said first unbuoyed pipeline section.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown. Brown discloses the invention substantially as claimed. However, Brown is silent about the buoyancy solution comprises a continuous coating of buoyant material. The examiner takes official notice that buoyancy solution comprising a continuous coating of

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buoyant material is old and well known. It would have been considered obvious to one of ordinary skill in the art to modify Brown by substituting a continuous coating of buoyancy material for the discrete buoyancy solutions disclosed Brown since such a modification would yield predictable results.

7. Claims 58,59,61,62,64-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison (US 4909670) in view of Brown '325.

Harrison discloses an apparatus to traverse a seabed topographic feature, comprising: a subsea pipeline constructed to carry fluids from a first location across the topographic feature to a second location; wherein: the topographic feature is selected from the group consisting of subsea basins, domes, valleys, cliffs, canyons, escarpments and combinations thereof; said pipeline comprising at least one distributed buoyancy region (10, where member 20 is positioned in Fig. 4); said pipeline comprising a first unbuoyed pipeline section (pipe positioned to the right of member 18 in Fig. 4) extending from said first location on a sea floor to said distributed buoyancy region and a second unbuoyed pipeline section (pipe positioned left of member 18 in Fig. 4) extending from said distributed buoyancy region to said second location on a sea floor; and said distributed buoyancy region comprising a buoyancy solution (20) directly attached to said distributed buoyancy region to create a positively buoyant inverse catenary section connecting said first and said second pipeline sections in fluid communication; and a first flexure control (member 18, column 3) device at said first location to reduce bending stress and strain in said first unbuoyed pipeline section. Harrison discloses the

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invention substantially as claimed. However, Harrison is silent about the buoyancy solution being a plurality of buoyancy solutions. Brown '325 teaches a plurality of buoyancy solutions (38) to support a pipe structure. It would have been considered obvious to one of ordinary skill in the art to modify Harrison by substituting the buoyancy means as taught by Brown for the buoyancy means disclosed by Harrison since such a modification would have yielded predictable results.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sunil Singh/
Primary Examiner, Art Unit 3672

Sunil Singh
Primary Examiner
Art Unit 3672

SS

1/31/09